

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Attorney Docket No. 2006_1393A
Daiju YUKI et al. : Confirmation No. 8731
Serial No. 10/590,735 : Group Art Unit 1651
Filed August 25, 2006 : Examiner Irene Marx
METHOD AND AGENT FOR : Mail Stop: AMENDMENT
CONTROLLING PLANT DISEASE USING
BACTERIA OF GENUS BACILLUS

DECLARATION OF DEPOSIT AVAILABILITY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, the undersigned, hereby declare:

That the DAIJU-SIID2550 bacterial strain was deposited at the International Patent Organism Depository (IPOD), AIST Tsukuba Central 6, 1-1, Higashi 1-chome, Tsukuba-shi, Ibaraki-Ken 305-8566, Japan, as of November 20, 2003, under the terms of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, and given Accession No. FERM BP-10114;

That the depository affords permanence of the deposit and ready accessibility thereto by the public if a patent is granted;

That access to the deposit during the pendency of the above-identified application will be afforded to one determined by the Commissioner to be entitled thereto under;

That all restrictions on the availability of the deposit to the public imposed by the depositor will be irrevocably removed upon the granting of the U.S. Patent on the above-identified application;

That each deposit shall be stored by the depository, with all the care necessary to keep it viable and uncontaminated, for a period of at least five years after the most recent request for the furnishing of a sample of the deposit was received by the depository, or for a period of at least 30

The USPTO is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17, and 1.492, which may be required by this paper to Deposit Account No. 23-0975.

years after the date of the deposit, or for the effective life of the U.S. Patent, whichever is longest;

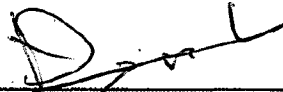
That the Assignee acknowledges its duty to replace any such deposit should the depository be unable to furnish a sample when requested due to the condition of the deposit;

That I am authorized to execute this agreement on behalf of the Assignee; and

That all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Signature:


Daiju Yuki

Printed Name: President of Itsuki Company Limited.

Date:

September 13, 2010

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